

Message Text

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12

ACTION EB-07

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FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 1070

INFO AMCONSUL CAPE TOWN

AMCONSUL JOHANNESBURG

LIMITED OFFICIAL USE PRETORIA 0026

CAPE TOWN FOR EMBASSY

E.O. 11652: N/A

TAGS: EIND, SF

SUBJ: MOTION PICTURE COPYRIGHTS

REF: A) PRETORIA 4905

B) PRETORIA 4757

C) PRETORIA 4708

1. ACTING ATTORNEY GENERAL HAS NOW INFORMED US IN WRITING THAT CASE BEING TRIED IN JOHANNESBURG REGIONAL COURT IS TEST CASE. "IF THE FURTHER EVIDENCE TO BE ADDUCED ON 6 JANUARY 1975 PROVES SUFFICIENT, FURTHER STEPS IN CONNECTION WITH THE SECOND CASE WILL BE CONSIDERED." WE ASSUME THIS MEANS THAT IF CASE GOES WELL AND JACOBY TESTIMONY (REF C) ADEQUATE TO ESTABLISH VALIDITY OF COPY-RIGHT AND US NATIONALITY OF COPYRIGHT HOLDER, THEN PROSECUTION WILL CONSIDER GOING AHEAD WITH CASE AGAINST WALDBAUM ET AL.

2. ACTING ATTORNEY GENERAL ALSO SAYS "IT IS DOUBTFUL WHETHER DOCUMENTARY EVIDENCE AS ENVISAGED BY YOU WOULD BE ADMISSIBLE ACCORDING TO SOUTH AFRICAN LAW."

3. WE HAD ALSO ASKED ATTORNEY GENERAL WHAT KIND OF QUESTIONS US OFFICIAL WITNESSES, IF THEY ARE EVENTUALLY CALLED, WOULD BE LIMITED OFFICIAL USE

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EXPECTED TO ANSWER. IN NON SEQUITUR REPLY ACTING AG SAYS "ORAL

EVIDENCE BY AN OFFICIAL OF THE DEPARTMENT OF STATE WOULD BE INADMISSIBLE TO PROVE THE EXISTENCE AND VALIDITY OF THE COPYRIGHT."

4. FINALLY, ACTING AG SAYS THAT "EVIDENCE OF AN OFFICIAL OF THE COMPANY WHICH MADE THE FILM AND WHICH HOLDS THE COPYRIGHT THEREIN MAY BE SUFFICIENT TO PROVE THIS ASPECT."

5. EMBOFF PLANS TO ATTEND AT LEAST ONE DAY OF TRIAL.
HURD

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NNN

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